



ARIZONA STATE SENATE
Fifty-Fifth Legislature, Second Regular Session

FACT SHEET FOR S.B. 1130

child; vulnerable adult; abuse

Purpose

Classifies, as a class 2, 3 or 4 felony based on intentionality, a healthcare professional performing practices on a child or vulnerable adult to attempt to change or affirm an inconsistent perception of a child's or vulnerable adult's sex. Outlines exceptions for healthcare professionals who act in accordance with good faith medical decisions of the guardian of a child or vulnerable adult who is born with an approved, medically verifiable genetic sex development disorder.

Background

Abuse is inflicting or allowing physical injury, impairment of bodily function or disfigurement or the infliction of or allowing another person to cause serious emotional damage as evidenced by severe anxiety, depression, withdrawal or untoward aggressive behavior and which emotional damage is diagnosed by a medical doctor or psychologist and is caused by the acts or omissions of an individual who has the care, custody and control of a child ([A.R.S. § 8-201](#)). *Abuse when referring to a child* includes the definition of abuse except for those acts that are declared unlawful by another statute in the Arizona Criminal Code. *Abuse* when referring to a vulnerable adult is: 1) the intentional infliction of physical harm; 2) injury caused by criminally negligent acts or omissions; 3) unlawful imprisonment; or 4) sexual abuse or sexual assault ([A.R.S. § 13-3623](#)).

A person who is at least 18 years of age or who has been tried as an adult and who is convicted of a dangerous crime against children in the first degree involving aggravated assault, unlawful mutilation, molestation of a child, sexual exploitation of a minor, aggravated luring of a minor for sexual exploitation, child abuse or kidnapping must be sentenced to a presumptive term of imprisonment of 17 years ([A.R.S. § 13-705](#)).

A *vulnerable adult* is defined as an individual who is 18 years of age or older and who is unable to protect themselves from abuse, neglect or exploitation by others because of a mental or physical impairment ([A.R.S. § 13-3623](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. States that a healthcare professional is guilty of an outlined offense if the health care professional engages in or causes any of the following practices to be performed on a child or vulnerable adult to attempt to change the child's or vulnerable adult's sex or to affirm the child's or vulnerable adult's perception of the child's or vulnerable adult's sex if that perception is inconsistent with the child's or vulnerable adult's sex:
 - a) performing surgeries that sterilize, including castration, vasectomy, hysterectomy, oophorectomy, metoidioplasty, orchiectomy, penectomy, phalloplasty and vaginoplasty;

- b) performing a mastectomy;
 - c) administering, prescribing or supplying medications that induce transient or permanent infertility such as puberty-blocking medication, supraphysiologic doses of testosterone to females or supraphysiologic doses of estrogen to males; or
 - d) removing any otherwise healthy or non-diseased body part or tissue.
2. Classifies the act of a healthcare professional engaging in outlined practices to change or affirm an inconsistent perception of a child's or vulnerable adult's sex as:
- a) a class 2 felony if the offense is done intentionally or knowingly and, if the victim is under fifteen years of age, is classified as a dangerous crime against children;
 - b) a class 3 felony if the offense is done recklessly; or
 - c) a class 4 felony if the offense is done with criminal negligence.
3. Excludes healthcare professionals who act in accordance with good faith medical decisions of a parent or guardian of a child or vulnerable adult who is born with a medically verifiable genetic disorder of sex development, including:
- a) a disorder in which the ambiguity of the external biological sex characteristics cannot be resolved, such as a minor being born with 46 XX chromosomes with virilization, 46 XY chromosomes with under-virilization or both ovarian and testicular tissue; or
 - b) a sexual development disorder for which a physician has determined through genetic testing that the child or vulnerable adult does not have the normal chromosome structure for a male or a female.
4. Includes in the definitions of *dangerous crimes against children* and *abuse referencing a child* a healthcare professional engaging in outlined practices to change or affirm an inconsistent perception of a child's or vulnerable adult's sex.
5. Makes technical and conforming changes.
6. Becomes effective on the general effective date

Prepared by Senate Research

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ZD/HW/sr